

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DEBORAH HAYS,

Civil No. 11-2477 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

CITIMORTGAGE, INC. AND  
SAFEGUARD PROPERTIES, LLC,

Defendants.

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Gary Hazelton and Nathan Cariveau, **HAZELTON LAW FIRM PLLC**, Post Office Box 1248, Bemidji, MN 56619; Carlin Phillips, **PHILLIPS & GARCIA PC**, 13 Ventura Drive, North Dartmouth, MA 02747, for plaintiff.

David Orenstein and Kendall Bader, **BARNES & THORNBURG LLP**, 225 South Sixth Street, Suite 2800, Minneapolis, MN 55402, for Defendant Citimortgage, Inc.

Theodore Waldeck, **WALDECK & LIND, PA**, 121 South Eighth Street, Suite 1400, Minneapolis, MN 55402, for Defendant Safeguard Properties, LLC.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated March 29, 2012 [Docket No. 32].

No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss [Docket No. 11] is **GRANTED** as to Counts 5 (as to CitiMortgage), 7,

and 9, and **DENIED** as to Counts 1, 3, and 6 (as to CitiMortgage) as more fully described above.

DATED: April 17, 2012  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge